

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CYNTHIA JO SAMU
a.k.a. CYNTHIA JO PACK
a.k.a. CINDY JO STONE KING
a.k.a. CINDY JO KING
a.k.a. CINDY JO STONE
a.k.a. CYNTHIA JO STONEKING
58372 Ute Trail
Yucca Valley, CA 92284

Registered Nurse License No. **733182**

Respondent

Case No. 2011-508

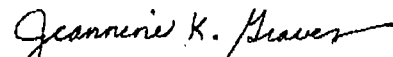
OAH No. L-2011020779

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **July 18, 2011.**

IT IS SO ORDERED **July 18, 2011.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1. KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GLORIA A. BARRIOS
Supervising Deputy Attorney General
4 State Bar No. 94811
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2540
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2011-508

11 **CYNTHIA JO SAMU aka CYNTHIA JO**
12 **PACK aka CINDY JO STONE KING aka**
13 **CINDY JO KING aka CINDY JO STONE**
14 **aka CYNTHIA JO STONEKING**
58372 Ute Trail
Yucca Valley, CA 92284

OAH No. L-2011020779

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **Registered Nurse License No. 733182**

16 Respondent.
17

18
19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
21 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
22 which will be submitted to the Board for approval and adoption as the final disposition of the
23 Accusation.

24 **PARTIES**

25 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
26 Registered Nursing. She brought this action solely in her official capacity and is represented in
27 this matter by Kamala D. Harris, Attorney General of the State of California, by Gloria Barrios,
28 Supervising Deputy Attorney General.

1. 2. Respondent Cynthia Jo Samu aka Cynthia Jo Pack aka Cindy Jo Stone King aka
2 Cindy Jo King aka Cindy Jo Stone aka Cynthia Jo Stoneking is representing herself in this
3 proceeding.

4 3. On or about July 31, 2008, the Board of Registered Nursing issued Registered Nurse
5 License No. 733182 to Respondent. The Registered Nurse License was in full force and effect at
6 all times relevant to the charges brought in Accusation Case No. 2011-508 and will expire on
7 November 30, 2011, unless renewed.

8 JURISDICTION

9 4. Accusation Case No. 2011-508 was filed before the Board of Registered Nursing
10 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
11 original Accusation and all other statutorily required documents were properly served on
12 Respondent on December 10, 2010. Respondent timely filed her Notice of Defense contesting
13 the original Accusation. A copy of Accusation Case No. 2011-508 is attached as Exhibit "A" and
14 incorporated herein by reference.

15 ADVISEMENT AND WAIVERS

16 5. Respondent has carefully read, and understands the charges and allegations in
17 Accusation Case No. 2011-508. Respondent has also carefully read, and understands the effects
18 of this Stipulated Settlement and Disciplinary Order.

19 6. Respondent is fully aware of her legal rights in this matter, including the right to a
20 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
21 her own expense; the right to confront and cross-examine the witnesses against her; the right to
22 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
23 compel the attendance of witnesses and the production of documents; the right to reconsideration
24 and court review of an adverse decision; and all other rights accorded by the California
25 Administrative Procedure Act and other applicable laws.

26 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
27 every right set forth above.

28 ///

1. CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in Accusation
3 Case No. 2011-508, if proven at a hearing, constitute cause for imposing discipline upon her
4 Registered Nurse License.

5 9. Respondent agrees that her Registered Nurse License is subject to discipline and she
6 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
7 below.

8 CONTINGENCY

9 10. This stipulation shall be subject to approval by the Board of Registered Nursing.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
11 Registered Nursing may communicate directly with the Board regarding this stipulation and
12 settlement, without notice to or participation by Respondent. By signing the stipulation,
13 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
14 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
15 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
16 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
17 between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
20 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
21 effect as the originals.

22 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
23 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
24 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
25 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
26 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
27 writing executed by an authorized representative of each of the parties.

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13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED THAT Registered Nurse License No. 733182 heretofore issued to Respondent shall, by way of letter from Complainant, be publicly reprovved. Said letter of public reprovval will issue as set forth herein above and shall be in the same form as the letter attached hereto as Exhibit "B."

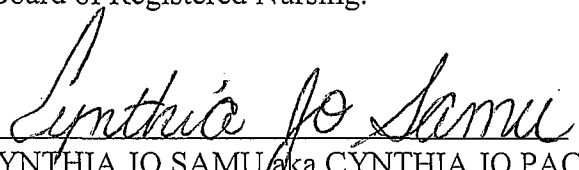
1. In consideration for entering into this stipulated agreement ("Agreement"), Respondent hereby waives any right to challenge the legal effect of this Agreement, by way of petition for reconsideration, petition for writ of mandamus, appeal, or otherwise, and further waives any other legal claim or defense, which she may have asserted, including, but not limited to, any time based claim such as laches, in the event it is necessary to calendar an administrative hearing based on any part of or all of Accusation Case No. 2011-508.

2. Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$1,471.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 05-11-11


CYNTHIA JO SAMUEL aka CYNTHIA JO PACK aka
CINDY JO STONE KING aka CINDY JO KING
aka CINDY JO STONE aka CYNTHIA JO
STONEKING
Respondent

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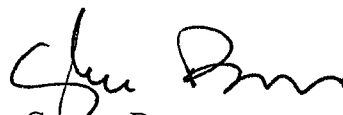
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 5/17/11

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General



GLORIA BARRIOS
Supervising Deputy Attorney General
Attorneys for Complainant

LA2009604344
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Exhibit A

Accusation No. 2011-508

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
SUPERVISING DEPUTY ATTORNEY GENERAL
3 GLORIA A. BARRIOS
Supervising Deputy Attorney General
4 State Bar No. 94811
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2540
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2011-508

12 **CYNTHIA JO SAMU aka CYNTHIA JO**
13 **PACK aka CINDY JO STONE KING aka**
14 **CINDY JO KING aka CINDY JO STONE**
15 **aka CYNTHIA JO STONEKING**
16 **58372 Ute Trail**
17 **Yucca Valley, CA 92284**

A C C U S A T I O N

18 **Registered Nurse License No. RN 733182**

19 Respondent.

20 Complainant alleges:

PARTIES

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about July 31, 2008, the Board of Registered Nursing (Board) issued
25 Registered Nurse License No. 733182 to Cynthia Jo Samu aka Cynthia Jo Pack aka Cindy Jo
26 Stone King aka Cindy Jo King aka Cindy Jo Stone aka Cynthia Jo Stoneking (Respondent). The
27 Registered Nurse License was in full force and effect at all times relevant to the charges brought
28 herein and will expire on November 30, 2011, unless renewed.

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1 functions, and duties of a registered nurse, in which event the record of the conviction shall be
2 conclusive evidence thereof.”

3 7. Section 2762 states:

4 “In addition to other acts constituting unprofessional conduct within the meaning of this
5 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
6 chapter to do any of the following:

7

8 “(b) Use any controlled substance as defined in Division 10 (commencing with Section
9 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
10 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
11 himself or herself, any other person, or the public or to the extent that such use impairs his or her
12 ability to conduct with safety to the public the practice authorized by his or her license.

13 “(c) Be convicted of a criminal offense involving the prescription, consumption, or
14 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
15 or the possession of, or falsification of a record pertaining to, the substances described in
16 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
17 thereof.”

18 8. Section 2764 provides, in pertinent part, that the expiration of a license shall not
19 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
20 to render a decision imposing discipline on the license. Under section 2811(b), the Board may
21 renew an expired license at any time within eight years after the expiration.”

22 REGULATORY PROVISIONS

23 9. California Code of Regulations, title 16, section 1444, states, in pertinent part:

24 “A conviction or act shall be considered to be substantially related to the qualifications,
25 functions or duties of a registered nurse if to a substantial degree it evidences the present or
26 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
27 safety, or welfare.

28 Such convictions or acts shall include but not be limited to the following:

1 “(a) Assaultive or abusive conduct including, but not limited to, those violations listed in
2 subdivision (d) of Penal Code Section 11160.

3 **COST RECOVERY**

4 10. Section 125.3 provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of Substantially-Related Crimes)**

10 11. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and
11 (f) and 490, as defined in California Code of Regulations, title 16, section 1444, in that
12 Respondent has been convicted of crimes substantially related to the qualifications, functions or
13 duties of a registered nurse, as follows:

14 a. On or about July 7, 2010, after pleading guilty, Respondent was convicted of one
15 felony count of violating Vehicle Code section 23152 [driving under the influence], in the
16 criminal proceeding entitled *The People of the State of California v. Cynthia Jo Samu aka*
17 *Cynthia Jo Pack aka Cindy Jo Stone King aka Cindy Jo King aka Cindy Jo Stone aka Cynthia Jo*
18 *Stoneking* (Super. Ct. County of Riverside, 2010, No. INM10001164). Respondent was
19 sentenced to 36 months summary probation, 2 days in jail, and fined. The Court ordered
20 Respondent to satisfactorily complete a First Offender DUI program and submit to drug testing.
21 The circumstances surrounding the conviction are that on or about January 13, 2010, officers
22 from the California Highway Patrol were dispatched to investigate an accident on I-10 in
23 Riverside County. Upon arrival at the scene, the officers found Respondent sitting in her vehicle
24 which she had recklessly rolled over with symptoms of alcohol intoxication. Respondent had an
25 odor of an alcoholic beverage emitting from her person, her eyes were red and watery and her
26 speech slurred. Respondent did not possess a valid driver's license.

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3. Taking such other and further action as deemed necessary and proper.

DATED: 12/10/10

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2010600863

RECEIVED
SI 12/19 21 33 0103
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

Exhibit B
Public Letter of Reproval



July 18, 2011

CYNTHIA JO SAMU
a.k.a. CYNTHIA JO PACK
a.k.a. CINDY JO STONEKING
a.k.a. CINDY JO KING
a.k.a. CINDY JO STONE
a.k.a. CYNTHIA JO STONEKING
58372 Ute Trail
Yucca Valley, CA 92284

RE: PUBLIC REPROVAL

In the Matter of the Accusation Against:

Cynthia Jo Samu aka Cynthia Jo Pack aka Cindy Jo Stone King aka Cindy Jo King
aka Cindy Jo Stone aka Cynthia Jo Stoneking

Registered Nurse License No. 733182

Board of Registered Nursing Case No. 2011-508

Dear Ms. Samu:

On December 10, 2010, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed Accusation Case No. 2011-508 against your license to practice registered nursing, alleging unprofessional conduct under Business and Professions Code sections 2761, subdivisions (a), (f), 2762, subdivisions (b), (c), and 490, in connection with your criminal conviction for Driving under the Influence, a misdemeanor, in violation of Vehicle Code section 23152 on July 7, 2010, in the criminal proceeding entitled *The People of the State of California v. Cynthia Jo Samu aka Cynthia Jo Pack aka Cindy Jo Stone King aka Cindy Jo King aka Cindy Jo Stone aka Cynthia Jo Stoneking* (Super.Ct. Riverside County, 2010, Case No. INM10001164).

Taking into consideration the fact that you have been licensed by the Board of Registered Nursing since 2008 without any prior disciplinary action or subsequent complaints, that the conduct in question took place a year ago, the Board of Registered Nursing has decided that the charge in this case warrants a Public Reproval.

Accordingly, pursuant to the authority provided under Business and Professions Code section 495, and in resolution of this matter, the Board of Registered Nursing hereby issues this letter of public reproof.

Sincerely,

Louise R. Bailey M.Ed., RN

LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California